

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

Coordination Proceeding)
Special Title (Rule 1550(b)))
)
In re TOBACCO CASES II)
)Case No. JCCP No. 4042
This document relates to:)
) DEPOSITION OF
The People of the State of)
California, et al, v. Philip) JAMES RANDALL SLENTZ
Morris Incorporated, et al.,)
Los Angeles Superior Court Case)
No. BC 194217;)
)
The People of the State of)
California, et al., v.)
General Cigar Co., et al, San)
Francisco Superior Court Case)
No. 996780;)
)
The People of the State of)
California, et al, v. Brown &)
Williamson, et al., San Francisco)
Superior Court Case No. 996781;)
and)
)
People of the State of California)
v. Tobacco Exporters, et al.,)
San Francisco Superior Court,)
Case No. 301631)
)
SERVICE LIST "B")
)

TAKEN ON: Tuesday, June 27, 2000
TAKEN AT: 401 B Street, Suite 1700
San Diego, California

REPORTED BY: CYNTHIA DEPWEG
CSR NO. 3280
RPR NO. 036984

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18 Also present: Jennifer Rouse

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1	WITNESS	I N D E X	
2	JAMES RANDALL SLENTZ	EXAMINED BY	
3		MS. FROSTROM	
4			
5			
6			
7			
8		I N D E X O F E X H I B I T S	
9	NUMBER		PAGE
10		** (Documents designated confidential and bound separately)	
11	4192	Notice of Deposition of Defendant Save Mart Supermarket, 5 pages	7
12			
13	4193	52-page document, first page entitled Save Mart Supermarkets/Food Maxx	12
14	**	Deal Sheet	
15	4194	Document entitled A Look at Smoking in the Work Place, 29 pages	25
16	**		
17	4195	2-page document consisting of a California Grocer Association fax	27
18	**	and an attachment	
19	4196	Document entitled Environmental Tobacco Smoke in the Work Place,	27
20	**	32 pages	
21	4197	One-page 1-7-93 Merced County Tobacco Control Coalition document	28
22	**		
23	4198	2-page document entitled Some Facts about Tobacco Smoke	29
24	***		
25	4199	One-page American Lung Association document re: Environmental Tobacco Smoke	29
26	**		
27	5000	One-page document entitled Secondhad Smoke is a Killer	29
28	**		
29	5001	2-page document entitled Facts about Secondhand Smoke	30

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1 C E R T I F I C A T E
2 I, the undersigned, do hereby certify that I have read
3 the foregoing deposition and that, to the best of my
knowledge, said deposition is true and accurate (with
the exception of the following changes listed below):

4	Page	Line	Explanation
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27 JAMES RANDALL SLENTZ
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1 San Diego, CA, Tuesday, June 27, 2000, 11:05 a.m.

EXAMINATION
BY MS. FROSTROM:

7 BY MS. FROSTROM:

8 Q. What is your full name, please.

9 A. James Randall Slentz.

Q. Slentz --

11 A. Mm-hmm.

12 Q. -- that's the pronunciation?

13 And what is your work address and phone number?

14 A. The address is 1800 Standif

15 Modesto. Phone number is (209) 574-62

Q. And that's

MS. FROSTROM: Oh, that's Odessa, Texas.

Q Have you ever been deposed before?

23 A. No.

24 MR. KAMMER: Midland Modesto, Texas, I remember
25 it well.

26 BY MS. FROSTROM:

27 Q. I'm sure you have had an opportunity to
28 consult with your counsel, but I want to go over a

1 couple of ground rules. Do you understand that you are
2 here under oath today?

3 A. Yes.

4 Q. The oath that the court reporter
5 administered carries the same weight and penalty of
6 perjury as if you were in a court of law?

7 A. Yes.

8 Q. If there's any questions that you have as

9 we go along, feel free to ask for a break. We can
10 usually accommodate that, and you can consult with your
11 counsel, make sure that you're on the right track, and
12 you understand what's going on. Okay?

13 A. Okay.

14 Q. If you don't understand something that I
15 ask, let me know. I will try to rephrase it. If you
16 answer without indicating that you don't understand, we
17 may later be entitled to argue that you did understand
18 the question when you gave the answer that you gave. Do
19 you understand that?

20 A. Yes.

21 Q. The testimony is being transcribed today
22 by the court reporter. She will make it into a booklet,
23 which will be forwarded to you at some point for review.
24 You will have the opportunity to look over the answers
25 that you gave.

26 Because it's being transcribed, we have to
27 be careful to only talk one at a time. So if you could
28 please make an effort to do that. She can only type one

6

1 set of words at a time. Sometimes, you anticipate the
2 answer, and you may jump in. It happens all the time in
3 normal conversation. Just try to avoid that today.

4 When you get the booklet, you will have
5 the opportunity to look it over, see if you want to make
6 any changes. If you make any changes that are more of a
7 substantive nature rather than a typographical nature,
8 we may then be entitled to argue that those changes were
9 improper. Do you understand that?

10 A. Yes.

11 Q. I'm marking the Notice of Deposition of
12 Defendant Save Mart Supermarket as Exhibit 4192.

13 (Plaintiffs' Exhibit No. 4192 was marked.)

14 BY MS. FROSTROM:

15 Q. Have you seen that before, Mr. Slentz?

16 A. Not this one, but I saw one similar to it.

17 Q. Did you have the opportunity to review
18 Testimony Items 1 through 3 and 5 through 10?

19 A. Yes.

20 Q. Do you understand that you have been
21 produced by Save Mart Supermarket as the person most
22 knowledgeable on those items?

23 A. Yes.

24 Q. And you're prepared to testify today as
25 the person most knowledgeable?

26 A. Yes.

27 Q. Do you know who it was that decided that
28 you were most knowledgeable in those subjects?

7

1 A. Corporate attorney.

2 Q. Did you do anything today in preparation
3 for the deposition?

4 A. Meaning?

5 Q. Did you review any documents?

6 A. No. Well, I take that back. I did.

7 Q. What documents did you review?

8 A. The stack that you have to your right.

9 Q. Or you assume it contains the same
10 documents in the stack that I have to my right?

11 A. Judging by the top clip, yes.

12 Q. Okay. What was the purpose of that
13 review?

14 A. Just to make sure that I was familiar with
15 them.
16 Q. Did you choose the documents that would be
17 produced?
18 A. No.
19 Q. Do you know who did?
20 A. No.
21 Q. Did you speak to anyone in preparation for
22 your depo. today?
23 A. Spoke to my attorney.
24 Q. Without disclosing any attorney-client
25 privileges, can you tell me anything about that
26 conversation?
27 A. It was just basically to cover the ground
28 rules of today's deposition.

8

1 Q. Did you talk to anyone else?
2 A. No.
3 Q. Anyone within Save Mart?
4 A. No.
5 Q. What is your title at Save Mart?
6 A. Grocery buyer/merchandiser.
7 Q. And is your employer Save Mart
8 Supermarkets?
9 A. Yes.
10 Q. As the grocery buyer, are you in charge of
11 any categories, or is that more of a general term at
12 Save Mart?
13 A. No, that's what I do is manage categories.
14 Q. Which categories?
15 A. Probably couldn't give you the entire
16 list. Obviously, tobacco. Coffee, tea, cocoa, baked
17 categories, convection, specialty, national, ethnic,
18 snacks.
19 Q. How long have you been the grocery buyer
20 for Save Mart?
21 A. Four years.
22 Q. Where were you employed before then?
23 A. Save Mart.
24 Q. In what capacity?
25 A. Prior to being a buyer, I was an
26 operations manager; and before that, I was a store
27 manager.
28 Q. How long were you an operations manager?

9

1 A. Three years.
2 Q. And what responsibilities did that entail?
3 A. My responsibilities involved managing
4 labor and products directed at store efficiencies.
5 Q. Was that for the chain as a whole or --
6 A. Right.
7 Q. How long were you a store manager for Save
8 Mart?
9 A. Three years.
10 Q. Does that mean that you're in charge of
11 one store, or is it a grouping of stores?
12 A. One store.
13 Q. Do you know if the responsibilities of the
14 store manager are the same as they were when you were a
15 store manager?
16 A. Generally, yes.
17 Q. Right now, as a grocery buyer, what are
18 your duties and responsibilities?

19 A. It's a difficult one to describe. You're
20 basically a business manager, responsible for the
21 performance of certain categories. So in addition to
22 managing the department overall for bottom-line results,
23 you have to manage each individual category for bottom-
24 line results as it contributes to the overall.

25 Q. So you're responsible for the sales as
26 well as the acquisition of the product?

27 A. I don't have any replenishment buying
28 responsibilities. So from that standpoint, no, I don't

10 1 have acquisition responsibilities, but I determine what
2 the stores carry.

3 Q. What is it that you buy?

4 A. What do I buy?

5 Q. I'm referencing your title.

6 A. Well, the title is probably an old-school
7 carryover. I don't do very much buying. I do some
8 promotional buying into an in-and-out warehouse, but in
9 general, it's really more of -- a business manager would
10 be a better title.

11 Q. So as the buyer, you do more work in
12 sales? You're responsible for the bottom line, the
13 sales of the products?

14 A. Right.

15 Q. Rather than the acquisition of the
16 products?

17 MS. TUCKER: I object, that it misstates his
18 testimony. He already described his job duties.

19 THE WITNESS: No. I have acquisition
20 responsibilities in that I determine who and what -- who
21 we buy from and what we buy, but I don't have a
22 day-to-day responsibility of keeping a warehouse full.

23 BY MS. FROSTROM:

24 Q. And do you determine what you buy and who
25 you buy from with respect to all of the categories --

26 A. Yes.

27 Q. -- that you're responsible for?

28 Does Save Mart have the warehousing

11 1 system -- When you buy the product, do you buy it from a
2 warehouse or do you buy it from the manufacturer?

3 A. We're partners in a warehouse facility
4 with another retailer. And that facility, we buy from
5 the manufacturers and sell back to our stores.

6 Q. And who is your partner in that facility?

7 A. Raley's.

8 Q. Does the warehouse have a separate name?

9 A. Yes.

10 Q. What is that?

11 A. Super Store Industries.

12 Q. And Super Store Industries buys directly
13 from the manufacturers?

14 A. That's right.

15 Q. The individual stores buy from Super Store
16 Industries?

17 A. Right.

18 Q. And that holds true for all of the
19 products, or are there exceptions?

20 A. That holds true for all grocery
21 categories.

22 Q. Do you consider tobacco to be part of the
23 grocery category?

24 A. Yes.

25 (Whereupon, the following testimony is deemed
26 confidential material and subject to protective order
27 entered by the Superior Court of the County of Los
28 Angeles, State of California and is bound separately.)

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8 (Whereupon, this ends the testimony deemed
9 confidential material and subject to protective order
10 entered by the Superior Court of the County of Los
11 Angeles, State of California.)

12 Q. What geographic region does Save Mart
13 cover?

14 A. We have stores from Sacramento County
15 through Kern County and the Central Valley and the South
16 and the East Bay areas.

17 Q. Only in California?

18 A. Only in California.

19 Q. What types of fixtures are used in your
20 stores for the display of tobacco products?

21 A. We have bookcase-type racks that are
22 behind a service counter.

23 Q. Do you own those fixtures?

24 A. Yes.

25 Q. And do you have the ability to place
26 whatever kind of signage that you may want on the
27 fixtures?

28 A. Yes.

22

1 (Whereupon, the following testimony from
2 Line 1 through 8 on Page 23 is deemed confidential
3 material and subject to protective order entered by the
4 Superior Court of the County of Los Angeles, State of
5 California and is bound separately.)

6 //
7 //
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9 Q. Have you ever used any kind of health
10 advisory signage in your stores?

11 A. Yes.

12 MR. EATON: Vague and ambiguous.

13 BY MS. FROSTROM:

14 Q. What type of signage?

15 A. Whatever is required by law. I'm not sure
16 what they are. It's not my area of responsibility to
17 manage legislative issues, but --

18 Q. Have you seen any of those signs?

19 A. Sure.

20 Q. What types of signs have you seen?

21 A. Just the basic warning signs. There's
22 some on every checkstand.

23 Q. Do you remember what they say?

24 A. No, I don't.

25 Q. Do you remember what any of the signs in
26 your stores, health related, say?

27 A. Word for word, no.

28 Q. General concept?

5 Q. Who is she?
6 A. She's our Director of Marketing and Trade
7 Relations.
8 Q. How long has she held that position?
9 A. I don't know. I'm guessing 8 to 10 years.
10 Q. Do you know who Sandra Duval is?
11 A. No.
12 Q. Is Save Mart aware that secondhand smoke
13 is a listed carcinogen in the State of California?
14 A. I don't know.
15 Q. Is Ms. Sanborn responsible for
16 disseminating information to Save Mart employees?
17 A. No.
18 Q. What is your understanding of her
19 responsibilities?
20 A. Her responsibilities are being kept
21 abreast of legislative issues on a trade level. Most of
22 it would come from the California Grocers Association
23 and then making sure that the appropriate people in the
24 company are informed about those legislative issues.
25 Q. So she's responsible for informing people
26 in the company about legislative issues?
27 A. Right.
28 Q. What about health issues?

26

1 A. I don't know.
2 Q. Marking Bates SMS 3 through 4 as
3 Exhibit 4195.
4 (Plaintiffs' Exhibit No. 4195 was marked.)
5 BY MS. FROSTROM:
6 Q. Have you ever seen those documents?
7 A. I don't remember.
8 Q. You don't remember ever seeing them?
9 A. No.
10 Q. Do you recognize that as legislative
11 information that was disseminated through Save Mart?
12 A. Could have been.
13 Q. Has Save Mart ever been informed that
14 secondhand smoke has a significant effect on the
15 respiratory health of nonsmoking adults?
16 A. I don't know.
17 MR. EATON: Could I get an answer? What was it?
18 THE WITNESS: I don't know.
19 MR. EATON: You don't know.
20 BY MS. FROSTROM:
21 Q. Or that secondhand smoke is more than just
22 a nuisance or an irritation; it's a dangerous health
23 hazard?
24 A. I don't know.
25 Q. Marking Bates SMS 118 through 149 as
26 Exhibit 4196.
27 (Plaintiffs' Exhibit No. 4196 was marked.)
28 //

27

1 BY MS. FROSTROM:
2 Q. Have you ever seen that document before?
3 A. No, not that I remember.
4 Q. You don't know who produced that on behalf
5 of your company?
6 A. No.
7 Q. And SMS 163 as Exhibit 4197.
8 (Plaintiffs' Exhibit No. 4197 was marked.)
9 BY MS. FROSTROM:

10 Q. Have you ever seen that document?
11 A. I don't remember.
12 Q. And based on that document, Save Mart
13 would be aware that approximately 3,000 adult nonsmokers
14 die each year from secondhand smoke exposure?
15 MR. EATON: Objection. Assumes facts not in
16 evidence, argumentative.
17 MS. TUCKER: Lacks foundation, calls for
18 speculation.
19 MS. FROSTROM: Paragraph 2.
20 MR. EATON: Same objections.
21 MS. TUCKER: Can we have the question read back
22 again.
23 (The last question was read back.)
24 MS. TUCKER: The document speaks for itself.
25 THE WITNESS: That's what it says.
26 BY MS. FROSTROM:
27 Q. And has Save Mart been told that
28 secondhand smoke is deadly, causes respiratory

28

1 infections, asthma, SIDS, and ear infections in young
2 children?

3 A. I don't know.
4 Q. Marking Bates SMS 164 through 165 as
5 Exhibit 4198.
6 (Plaintiffs' Exhibit No. 4198 was marked.)
7 BY MS. FROSTROM:
8 Q. Have you ever seen that document before?
9 A. No, I don't think so.
10 Q. To your knowledge, was that document ever
11 disseminated throughout Save Mart?
12 A. I don't know.
13 Q. Or by Save Mart to the general public?
14 A. I don't know.
15 Q. Marking SMS 253 as Exhibit 4199.
16 (Plaintiffs' Exhibit No. 4199 was marked.)

17 BY MS. FROSTROM:
18 Q. Have you ever seen that document before?
19 A. I don't remember it.
20 Q. And marking SMS 254 as Exhibit 5000.
21 (Plaintiffs' Exhibit No. 5000 was marked.)
22 BY MS. FROSTROM:
23 Q. Have you ever seen that document entitled
24 Secondhand Smoke is a Killer?
25 A. I don't remember.
26 Q. The document has highlighted portions on
27 it. You wouldn't know who did that highlighting
28 either --

29

1 A. No.
2 Q. -- correct?
3 Wasn't this information given to Save Mart
4 so that it could help warn and educate about the dangers
5 of secondhand smoke?
6 MR. EATON: Calls for speculation, lacks
7 foundation.
8 THE WITNESS: I don't know if we even received
9 it.
10 MR. EATON: Exactly.
11 BY MS. FROSTROM:
12 Q. Marking SMS 263 and 264 as Exhibit 5001.
13 (Plaintiffs' Exhibit No. 5001 was marked.)
14 BY MS. FROSTROM:

15 Q. Do you recognize that document?
16 MR. KAMMER: You did say 5000?
17 MS. FROSTROM: I said 5001.
18 THE WITNESS: I don't remember seeing it, no.
19 BY MS. FROSTROM:

20 Q. Referencing the first paragraph of that
21 document, doesn't it say, "Some of the key facts about
22 secondhand smoke and its dangers are summarized...Use
23 them to inform your family and friends..."?

24 MS. TUCKER: Objection. The document speaks for
25 itself.

26 THE WITNESS: That's what it says.
27 BY MS. FROSTROM:

28 Q. Did Save Mart ever do that with this

30

1 document and those facts?

2 A. I don't know.

3 Q. Do you know if Save Mart has ever even
4 made an effort to educate its employees on the dangers
5 of secondhand smoke?

6 A. I don't know.

7 Q. This is a document that was previously
8 marked during the deposition of Michele Snider as
9 Exhibit 4037. I'm going to give it to you just for your
10 own reference. Have you ever seen that sign in a Save
11 Mart store or that memorandum that's attached?

12 A. I haven't seen the memorandum, but I am
13 never in that facility, and I don't remember seeing this
14 in the stores.

15 Q. What is the Yosemite Wholesale?

16 A. That's a meat and produce distribution
17 center.

18 Q. Is it owned by Save Mart?

19 A. Yes.

20 Q. Do you know how long it's been owned by
21 Save Mart?

22 A. 20, 25 years.

23 Q. How many cigarettes does Save Mart sell
24 per year in the State of California?

25 A. Per year, I don't know. We sell about an
26 average of 100 cartons a week per store.

27 Q. How many stores?

28 A. 83.

31

1 Q. And you profit from those sales of tobacco
2 products?

3 A. Yes.

4 Q. To your knowledge, has Save Mart ever used
5 any of that profit money to protect those that are
6 harmed by the sales of tobacco products?

7 MR. EATON: Objection. Assumes facts not in
8 evidence, argumentative.

9 THE WITNESS: I don't understand the question.
10 BY MS. FROSTROM:

11 Q. Has Save Mart ever used any money with the
12 intent of protecting those that are harmed by the sales
13 of tobacco products?

14 MR. EATON: Same objections.

15 THE WITNESS: I don't know.

16 BY MS. FROSTROM:

17 Q. Who does Save Mart believe should be
18 provided those warnings?

19 MR. EATON: Calls for speculation.

20 THE WITNESS: I don't know.
21 MR. EATON: Assumes facts not in evidence, lacks
22 foundation.
23 THE WITNESS: It's not my area of responsibility.
24 BY MS. FROSTROM:
25 Q. Could you describe for me the chain of
26 command from grocery buyer down to the store level?
27 A. Well, there's no chain of command from
28 grocery buyer to the store level.

32

1 MR. KAMMER: I was going to say that assumes
2 facts not in evidence.
3 BY MS. FROSTROM:
4 Q. Tell me how it works.
5 A. That's really a separate division of the
6 company as far as direct reports. So there are:
7 Operations is a division, and Merchandising and
8 Marketing is a division. And all of the direct reports
9 from the store go up through the Operations Branch of
10 the company.

11 Q. And you are in which branch?
12 A. Merchandising and Marketing.
13 Q. And who do you report to?
14 A. Director of Grocery Purchasing.
15 Q. What is the name of that person?
16 A. Doug Keller.
17 Q. How does it go up from there?
18 A. He reports to the vice-president of
19 Marketing and Merchandising.
20 Q. And what is --
21 A. His name?
22 Q. Yes, please.
23 A. Cecil Russell.
24 Q. And from there?
25 A. And he reports to the chairman and CEO.
26 Q. That's the same person?
27 A. Mm-hmm.
28 Q. And what is the name of that person?

33

1 A. Bob Piccinini.
2 Q. Okay. How about from you down; who do you
3 supervise?
4 A. I have two secretaries.
5 Q. That's it?
6 A. That's it.
7 Q. Okay. What is the involvement of the
8 various store managers in the marketing and sale of
9 tobacco products? Do they have any control over that?
10 A. Ordering and stocking shelves. That's it.
11 Q. If you decide that Save Mart is going to
12 participate in a promotion, do they have the option to
13 accept or decline that decision?
14 A. No.
15 Q. You tell them what they will participate
16 in?
17 A. Right.
18 Q. And about the signage issues, is that your
19 decision as well?
20 A. Yes.
21 Q. The individual store managers have no
22 control over what signage you decide is appropriate?
23 A. Well, they can make any sign they want at
24 store level. I'm hardly in a position to go out and

25 stopping all of them. But, you know, if I authorize a
26 program for a designated signage program, for instance,
27 if I'm going to run two dollars off a carton of
28 cigarettes and I send out a sign, then they're all

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1 required to hang the sign on the rack during the
2 promotion.

3 Q. But they can decide to put up additional
4 signage?

5 A. Sure.

6 Q. Do they have to submit applications for
7 that to anyone to decide whether it fits with the decor
8 of the stores, or do they just have discretion?

9 A. Well, there's a sign kit that has blank
10 sign materials, and they have to use that.

11 Q. What about content of the signs; is that
12 up to their discretion?

13 A. Subject to supervision, yeah.

14 Q. Who supervises that?

15 A. They have operations supervisors.

16 Q. And that's a regional position?

17 A. Right.

18 Q. Are you aware of any Save Mart mission
19 statement?

20 A. Yes.

21 Q. Do you know what it is?

22 A. I couldn't recite it, but I know it.

23 Q. What do you know about it?

24 A. Basically, just defines the goal of the
25 company as customer service, talks about our commitment
26 to the communities we serve, and the employees that work
27 for us.

28 Q. Have any of the manufacturers ever asked

35

1 you to participate in a sweepstakes program or a
2 Marlboro gear program?

3 A. Not that I remember.

4 Q. That's all I have.

5 MR. KAMMER: Silent. The sound of two hands
6 clapping.

7 Thank you. I have no questions.

8 MR. EATON: I have no questions.

9 MS. TUCKER: I have no questions.

10 MS. FROSTROM: Standard stipulation?

11 MR. KAMMER: Yeah, standard stipulation.

12 MS. FROSTROM: Off the record.

13 (Whereupon, the deposition was adjourned at 11:45 a.m.)

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1 I hereby declare under penalty of perjury that
2 the foregoing is my deposition under oath; that these
3 are the questions asked of me and my answers thereto;
4 that I have read my deposition and have made the
5 necessary corrections, additions, or changes to my
6 answers that I deem necessary.

7 In witness thereof, I hereby subscribe my name
8 this day of _____, _____.

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JAMES RANDALL SLENTZ

1 STATE OF CALIFORNIA)
2 :SS
3 COUNTY OF SAN DIEGO)
4

5 I, Cynthia Depweg, CSR NO. 3280, hereby
6 certify that I reported in shorthand the above
7 proceedings on Tuesday, June 27, 2000, at 401 B Street,
8 Suite 1700, in the City of San Diego, County of San
9 Diego, State of California; and I do further certify
10 that the above and foregoing pages, numbered from 5
11 through 36, inclusive, contain a true and correct
12 transcript of all of said proceedings.

13 It was stipulated that the original deposition
14 be delivered to Mr. Kammer for the purpose of having the
15 witness read, correct, and sign the deposition under the
16 penalty of perjury; said original thereafter to be
17 maintained by Mr. Kammer until the time of trial.

18 Dated: June 30, 2000.
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CYNTHIA DEPWEG
CSR NO. 3280

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